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VIA HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

REQUEST FOR
CONFIDENTIAL TREATMENT

Re: *USAC Audit No. CR2016CP022 of Sprint Spectrum, L.P.*

Dear Ms. Dortch:

Sprint Spectrum, L.P. (“Sprint”) hereby encloses its appeal to the Commission of the Final Audit Report issued in Audit No. CR2016CP022 by the Universal Service Administrative Company on March 12, 2018.

Sprint respectfully requests that, pursuant to Sections 0.457 and 0.459 of the Commission’s rules,¹ the Commission withhold from public inspection and accord confidential treatment to Sprint’s Attachments A, D, E, F, and G in the accompanying appeal. These Attachments contain trade secrets and sensitive financial information that fall within Exemption 4 of the Freedom of Information Act (“FOIA”).² Exemption 4 of FOIA provides that the public disclosure requirement of the statute “does not apply to matters that are . . . (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential.”³ Sprint is voluntarily providing this trade secret and commercial and financial information “of a kind that would not customarily be released to the public”; therefore, this information is “confidential” under Exemption 4 of FOIA.⁴ Moreover, Sprint would suffer substantial competitive harm if this information were disclosed.⁵

In support of this request and pursuant to Section 0.459(b) of the Commission’s rules,⁶ Sprint hereby states as follows:

¹ 47 C.F.R. §§ 0.457, 0.459.

² 5 U.S.C. § 552(b)(4).

³ *Id.*

⁴ *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

⁵ *See National Parks and Conservation Ass’n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).

⁶ 47 C.F.R. § 0.459(b).

1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT⁷

Sprint seeks confidential treatment of Attachments A, D, E, F, and G in the accompanying appeal of USAC’s Final Audit Report (hereafter referred to as “Confidential Information”). Specifically, these attachments contain detailed information about Sprint’s revenues and how it chooses to construct its bundled offerings.

2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION⁸

Sprint is appealing the findings contained in the Final Audit Report issued by USAC in connection with USAC Audit No. CR2016CP022. The Final Audit Report makes specific findings regarding Sprint’s compliance with the Universal Service Fund Contributor Rules that include, *inter alia*, detailed information regarding Sprint’s revenues for calendar year 2015. As part of its appeal of USAC’s findings, Sprint is providing not only the Final Audit Report itself (Attachment A), but also certain previous correspondence from USAC containing sensitive commercial information (Attachment D) and correspondence and spreadsheets provided by Sprint to USAC as part of the audit process containing sensitive commercial and financial information (Attachments E, F, and G).

3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED⁹

The Confidential Information contains sensitive commercial and financial information “which would customarily be guarded from competitors.”¹⁰ The information reveals trade secrets and sensitive financial information about Sprint’s revenues and how it chooses to construct its bundled offerings.

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION¹¹

The Confidential Information contains sensitive details relating to Sprint’s finances that could be used by competitors to the disadvantage of Sprint. The Confidential Information also contains commercially sensitive details regarding how Sprint chooses to construct its bundled offerings and the revenues generated from those offerings. Disclosure of this information would cause substantial competitive harm.

⁷ 47 C.F.R. § 0.459(b)(1).

⁸ 47 C.F.R. § 0.459(b)(2).

⁹ 47 C.F.R. § 0.459(b)(3).

¹⁰ 47 C.F.R. § 0.457.

¹¹ 47 C.F.R. § 0.459(b)(4).

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM¹²

Disclosure of the Confidential Information would cause substantial competitive harm because Sprint's competitors could use the information to Sprint's detriment. The Confidential Information contains sensitive insights regarding Sprint's revenues and the way in which Sprint constructs and prices its bundled offerings. Sprint lacks the same information regarding its competitors. Sprint's competitors could therefore use this information to undermine Sprint's position and thereby gain a competitive advantage.

6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE¹³

Sprint has maintained the confidentiality of the Confidential Information.

7. IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES¹⁴

Sprint has not previously disclosed the Confidential Information to the public.

8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE¹⁵

Sprint requests that the Confidential Information be treated as confidential for a period of ten years. This period is necessary due to the sensitive nature of the information contained in the aforementioned attachments to Sprint's appeal.

9. OTHER INFORMATION THAT SPRINT BELIEVES MAY BE USEFUL IN ASSESSING WHETHER ITS REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED¹⁶

The disclosure of the information could be used to the competitive detriment of Sprint.

¹² 47 C.F.R. § 0.459(b)(5).

¹³ 47 C.F.R. § 0.459(b)(6).

¹⁴ 47 C.F.R. § 0.459(b)(7).

¹⁵ 47 C.F.R. § 0.459(b)(8).

¹⁶ 47 C.F.R. § 0.459(b)(9).

Respectfully submitted,



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